

Increase Compliance with the Americans with Disabilities Act (ADA)

On July 26, 1990, President George H.W. Bush signed the Americans with Disabilities Act (ADA) into law and he said, “Let the shameful wall of exclusion finally come tumbling down.” He was referring to the systemic discrimination people with disabilities were facing on a daily basis in the United States. The ADA prohibits discrimination against qualified individuals in employment, public services, public accommodations, transportation, and telecommunications.

Despite this landmark achievement, and more than 30 years of implementation, barriers still remain. For example, PVA members continue to face barriers when staying in hotels. All hotels have designated “handicapped” rooms to accommodate a guest with a disability and yet the interior designs fail to be accessible for wheelchair users. Too often, bed heights are too high and reach ranges for curtains and climate controls are too far. Also, shuttle vans often do not have lifts and sidewalks do not have curb cuts or parking with egress toward entrances.

Some businesses believe there needs to be a “notice and cure” period to promote further compliance with the law. This strategy strikes at the heart of ADA and would only embolden non-compliance. The result being a person with a disability would once again encounter physical discrimination in a public accommodation setting and then have to notify and document the incident and allow a period for that party to comply before the aggrieved person with a disability could file suit under the ADA.

When barriers are encountered, people with disabilities can file a complaint with the Department of Justice (DOJ) or file a lawsuit using the ADA’s private right of action. Unfortunately, complaints filed with DOJ are routinely dismissed without any action due to the number received. Few complaints are sent to mediation. Lawyers are often hard to secure as there are no damages under ADA Title III.

PVA Position

- Congress must pass the **Disability Employment Incentive Act (S. 630)**, which would increase the tax incentives that help businesses remove barriers and increase funding for DOJ’s ADA mediation program.
- Congress must legislate that would expand tax credits and deductions that are available for employers who hire and retain employees with disabilities and to make their places of business more accessible, including their internet or telecommunications services.